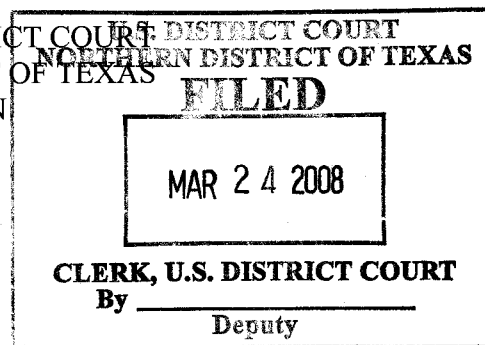


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



DONALD JAY PRUITT,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:07-CV-0094


ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING RESPONDENT'S MOTION TO DISMISS and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On February 29, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's July 3, 2007 motion to dismiss be granted, and that petitioner's application for a writ of habeas corpus be dismissed as time barred. As of this date, petitioner has not filed objections to the Magistrate Judge's Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the motion to dismiss filed by respondent is hereby GRANTED, and the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 21st day of March 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE